Elections Nova Scotia

Candidate's Handbook

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Introduction

This Handbook is intended to provide you and your campaign team with the following information:

- overview of the election process
- the roles and responsibilities of various people who administer the election process on behalf of the Chief Electoral Officer
- information on the rights and responsibilities of your Poll Agents, Official Agent, agent at large and Auditor, and
- overview of campaign finance rules.

For more information, please contact:

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P.O. Box 2246
Halifax, Nova Scotia
B3J 3C8

Telephone: 902.424.8584
Toll Free (NS) 1.800.565.1504
Fax: 902.424.6622

E-mail: elections@gov.ns.ca
Website: www.gov.ns.ca/elo

Administration of an Election

1. The Returning Officer - Your Key Contact During an Election

Each of the 52 electoral districts in Nova Scotia has a **Returning Officer** appointed by Cabinet or in urgent circumstances by the Chief Electoral Officer. The term of office of a Returning Officer appointed by Cabinet typically continues for a 10-year period, starting at a general redistribution of electoral boundaries until the next redistribution. A Returning Officer appointed by the Chief Electoral Officer holds office until a Returning Officer is appointed for the electoral district by Cabinet. (*Elections Act, S.14*)

Working with each Returning Officer is an **Election Clerk,** who is the designated principal assistant to the Returning Officer. In the absence or inability to act of the Returning Officer, the Election Clerk has full authority to act as the Returning Officer. (*Elections Act, S.21*)

The office of the Returning Officer is also staffed with one or more **Revision Assistants,** who assist the Returning Officer with the management and amendment of the preliminary Lists of Electors for the electoral district. Revision Assistants are also appointed to add to the List of Electors the names of persons qualified as electors who are not on the List of Electors when they arrive to vote at the polling station. (*Elections Act, S.47,122*)

The Returning Officer, Election Clerk and Revision Assistant are required to be qualified as electors in the province to hold these positions. (*Elections Act, S.194*)

Returning Officers and their staff are responsible to and take direction from the Chief Electoral Officer who is charged under the *Elections Act* with responsibility for the "administrative conduct of elections". (*Elections Act, S.5*)

The Returning Officer will be your point of contact during the course of an election for the following:

- filing of your Nomination Paper
- obtaining a copy of the preliminary and official Lists of Electors for each polling division in your electoral district
- information for your Official Agent, and the provision of tax receipts
- information about the voting process for electors

- information on who has voted at early voting opportunities
- location of all polling stations
- information on the voting process for your agents.

2. The List of Electors

A. **Sources of the List of Electors** - The List of Electors for each polling division in every electoral district shall be the list of electors used during the most recent election, including all revisions and updates made to that list since that time pursuant to the *Elections Act,* and including elector information gathered through enumeration and elector information corrected or confirmed through confirmation, as the case may be. The Chief Electoral Officer determines how the preliminary List of Electors for each polling division is to be prepared for an upcoming election. (*Elections Act, S.31A & 31B*).

B. **Preliminary and Final Lists of Electors** - Although the Chief Electoral Officer has the authority to extend the time for doing anything required under the *Elections Act* (except change the hour for filing the nomination paper or of election day), your campaign will receive the preliminary Lists of Electors on the 15th day before election day (*Elections Act, S. 43*). Some polls may be available sooner, whenever the preliminary List of Electors for that poll is available. The preliminary List of Electors is the unrevised list, and you will receive the revised list (official List) to be used on election day (also called ordinary polling day) after revision is complete (*Elections Act, S.62*)

C. **Revision** - The staff at the Returning Office will include Revision Assistant(s), who will conduct on-going revision of the List of Electors. Your agents are welcome to observe the revision process.

Electors who apply to be added to the List of Electors after enumeration/ confirmation is complete must provide identification documents, which confirm their identity and residence (*Elections Act, S.57*). A list of acceptable identification documents can be obtained from the Returning Officer.

Following release of the preliminary List of Electors for each polling division, the Returning Officer can also appoint revising agents to correct substantial errors using further enumeration, if it is determined that the List of Electors for a polling division is significantly inaccurate. (*Elections Act, S.48*)

Should you be aware of electors who are not on the List of Electors, suggest that they contact the Returning Officer. Although electors can be added to the List of Electors on election day, they should be encouraged to be added early during revision in order to avoid queues at the polls. Revision will start once the preliminary Lists of Electors are certified as determined by the Chief Electoral Officer and end on the 6th day before election day. (*Elections Act, S.53*)

There will be a special revision opportunity at the Returning Office on the Monday immediately before election day. Electors who apply to be added to the List of Electors at that time will receive a Certificate to Vote, which will enable these electors to vote on election day by presenting the certificate at their polling station. (*Elections Act, S.122*)

Electors who are not on the List of Electors when they arrive at the Special, Advance and Ordinary Polls may vote after they are added to the List of Electors by a Revision Assistant or by a Deputy Returning Officer acting as a Revision Assistant. Before electors can be added to the List of Electors, they must first produce appropriate documents which show their identity and residence. *(Elections Act, S.122)*

D. **Computerized List** - The List of Electors is computerized, which will allow for prompt updating when revisions are incorporated. If the official Lists of Electors have to be renumbered from the preliminary Lists of Electors, if there are significant revisions, the original numbering from the preliminary Lists will be included in the official (final) Lists of Electors.

E. **Use of the List of Electors** - The Returning Officer is required to provide each candidate with both a hard copy and an electronic copy of the preliminary and the official (final) List of Electors. When a List of Electors is received from a Returning Officer, it will be in hard copy and electronic format. Only one hard copy is required to be provided.(*Elections Act, S.43, 62*)

Remember the following rules for use of a List of Electors:

1. The List of Electors contains personal information about each elector:
   - their name
   - civic and mailing address
   - gender

   This information must be used for an electoral purpose only and not distributed unnecessarily.
2. Be sure that each person in your campaign who is working with a List of Electors is aware of the importance of the proper use of the elector information.
3. When the election is over, have all copies of the List of Electors that have been used by your campaign team returned to your office.
4. Remember, it is an offence to use the information for a purpose that is not an electoral purpose. *(Elections Act, S.5)*
- Once an election is concluded, the final List of Electors will be provided to each recognized party. It is then up to the party to control the use of the List of Electors.
6. It is the policy of the Chief Electoral Officer that Lists of Electors are provided only to recognized parties and not to individuals, electoral district associations or others. A recent amendment (2005) to the *Elections Act* authorizes the Chief Electoral Officer to release a consolidated List of Electors annually to each recognized political party at the time and in the manner as determined by the Chief Electoral Officer. These lists and the information in them can only be used for electoral purposes. (*Elections Act, S.31C*)

You will be asked to sign the Use of the List of Electors, Form ENS-02-548, when the copy of the List of Electors is provided during an election.

Elections
Nova Scotia

Use of the List of Electors by Candidates

1) I, *Sammy Jones*, who holds the position of
(name)

Campaign Manager, in the election campaign team of
(position in the campaign)

Mary Smith, accept this copy of the
(name of candidate)

Preliminary List of Electors for the Electoral District of:
(Preliminary /Official)

Halifax North.

2) I acknowledge and agree that the List of Electors is to be used for electoral purposes only.

(1) The persons to whom I make the List of Electors available will be instructed that the List of Electors may only be used for electoral purposes.

(2) The persons to whom I make the List of Electors available will be instructed to return any copies of the List of Electors in their possession, in either hard copy or diskette, to the campaign headquarters at the conclusion of the election.

Sammy Jones
Signature

May 10, 2002
Date

G. Doa Headache
Returning Officer

ENS-02-548

Nomination and Registration

1. Your Official Agent

A. What does an Official Agent do?

1. The Official Agent is the only person who can accept contributions to your campaign. Candidates are prohibited by law from accepting contributions personally. (*Members and Public Employees Disclosure Act, S.10*)

2. The Official Agent is the only person who can incur or authorize election expenses. (*Elections Act, S. 175*) It is an offence for a candidate to incur or authorize these expenses personally. (*Elections Act, S.204*)

3. The Official Agent is the only person who can issue tax receipts for campaign donations. (*Elections Act, S.190*)

4. The Official Agent is entitled to receive public funding of election expenses on behalf of the candidate. (*Elections Act, S.182*)

B. To be appointed, an Official Agent must:

- be eligible to be registered as an elector in Nova Scotia
- be at least 19 years of age
- not be a Member of the Legislative Assembly (MLA)
- not be a candidate
- not be an auditor acting for a recognized party, an electoral district association or a candidate.

  (Elections Act, S.177F)

The person you appoint as your Official Agent does not need special professional qualifications, but the responsibilities of the position require a person who is organized, attentive to detail, and who understands the importance of record-keeping and financial accountability.

You must also ensure that whomever you appoint as your Official Agent will be available throughout the election period as well as during the 3-month period following the election, when the following important reports must be completed and filed with the Returning Officer of the electoral district in which you ran for election:

1. Report of Election Expenses
2. Reconciliation of Tax Receipts
3. Disclosure of Contributions.

In addition to the duty imposed by law to file these documents, you should also note that any reimbursement of election expenses from public funds can only take place after these three reports are filed. It is important to select an Official Agent who can fulfill all the tasks required, including filing election campaign reports on time.

C. **Appointment Process**

There is no particular form to appoint an Official Agent, but you must include information on that appointment in your Nomination Paper when you file it with the Returning Officer. (*Elections Act, S.66*) This means that your last day to appoint an Official Agent is the day that you file your Nomination Paper.

The timing of your Official Agent appointment will depend on when you start receiving campaign contributions. If you are actively campaigning before filing your Nomination Paper, you must have an Official Agent in place in case you receive any campaign contributions. Remember, you cannot personally receive any contributions. Only your Official Agent is authorized to handle campaign funds. As well, you can personally incur only limited campaign expenses as a candidate. (*Elections Act, S.175*) You must have an Official Agent if your campaign is making expenditures before your official nomination.

Your Official Agent should be appointed in writing. Both you and your Official Agent should keep a copy of that appointment.

Sample letter for Appointment of an Official Agent

June 15, 2002

John Brown
23 Old Hills Street
Halifax NS B3B 2K4

I am a candidate for the election for the House of Assembly in the electoral district of Halifax North.

I appoint you as my Official Agent to fulfill all the responsibilities required of an Official Agent under the *Elections Act* and the *Members and Public Employees Disclosure Act.*

Mary Smith
XYZ Party Candidate
Halifax North

2. Your Auditor

The Auditor is an important part of your campaign team. The Auditor must be appointed at the latest when you file your Nomination Paper and identify him or her to the Returning Officer. Further, if you register as a candidate before your official nomination, you must appoint your Auditor when you file your registration papers. In your Nomination Paper, you must attest that your Auditor has accepted the appointment.

3. Registration as a Candidate

The *Political Contributions Disclosure Regulations (S.4)* require that a candidate register with the Chief Electoral Officer as soon as the candidate appoints an Official Agent. Registration is achieved by filing Form 1 with the Chief Electoral Officer. Form 1 requires the following information:

- Name, address and telephone number of candidate (civic and mailing)
- Name, address and telephone number of Official Agent
- Name, address and telephone number of Auditor
- Account number in a financial institution within Nova Scotia to receive contributions.

Form 1 is included at the back of the handbook.

4. Completing the Nomination Paper (Form ENS-05-303)

The Nomination Paper can be filed any time after the proclamation of the election. It must be filed no later than 2:00 PM on Tuesday, the 14th day before election day.

A completed Nomination Paper contains the following information:

- The candidate's name and address, both civic and mailing
- Name of the recognized political party, if any, that has endorsed the candidate
- Name of the candidate as it is to appear on the ballot
- **Signatures of AT LEAST 5 electors** who are entitled to vote for the candidate (more names than that are recommended to allow for the situation of an unqualified person signing the Nomination Paper)
- Signature and oath of the attesting witness, who is the person who witnessed

the signing of the Nomination Paper by the nominators

- Consent and oath of the candidate
- Appointment of the candidate's Official Agent and Auditor
- If the candidate is endorsed by a recognized party, the Nomination Paper must be accompanied by a letter from the leader of the party stating that the party endorses the candidate's nomination as a representative of the party
- Deposit of $100.00 in a certified cheque or money order must accompany the Nomination Paper (the use of cash is discouraged) made payable to the Minister of Finance.

  (*Elections Act, S.66*)

A sample Nomination Paper is included. The properly completed document must be filed with the Returning Officer for the electoral district in which the candidate is running no later than 2:00 PM on Tuesday, the 14th day before election day. (*Elections Act, S.69*)

Elections Nova Scotia

NOMINATION PAPER

We, the undersigned, of the Electoral District of:

Halifax North

nominate: *Smith* (surname), *Mary* (given names)

of *2550 Wharf Road* (civic address), *Same* (mailing address)

Halifax, Nova Scotia B3J 1J5

representing: *XYZ Party* (recognized political party or independent)

as candidate at *the pending election* of one member *to be elected by the above Electoral District to serve in the House of Assembly of Nova Scotia*, and we *ask that (he/she)* be described on the ballot paper as:

Smith (surname), *Mary* (given or assumed names)

NOTE - use name or assumed name by which the candidate wishes to be described on the ballot paper, *so long as* the name and particulars correspond to those by which the candidate is known in the Electoral District.

Witness our hands this *24th* day of *May*, *2002*

Name	** Signature	Civic No.	Street/Road	Community
Cabot Straight	*Cabot Straight*	*789*	*Water Ct*	*Halifax*
Victor E. Speech	*Victor E. Speech*	*539*	*Halftime Ave*	*Halifax*
Price S. Cutt	*Price S. Cutt*	*345*	*Stingy St*	*Halifax*
Marry Merry	*Marry Merry*	*14*	*Christmas Crescent*	*Halifax*
Holly Jolly	*Holly Jolly*	*12*	*Christmas Crescent*	*Halifax*
Red Rose	*Red Rose*	*635*	*Flower Ave*	*Halifax*
Ernie Burton	*Ernie Burton*	*6251*	*Sesame Street*	*Halifax*

** Note: Must be signed in the presence of attesting witness by five or more persons qualified under S.28 of the Elections Act to be registered on the List of Electors for a polling division in the above Electoral District.

OATH OF ATTESTING WITNESS

I, the undersigned, swear (or affirm) that I know the following electors who signed this nomination paper in my presence, (insert the names and addresses of five or more persons who signed this nomination paper).

Cabot Straight 789 Water Ct, Halifax NS B3P 1G4

Victor Speech 539 Halftime Ave, Halifax, NS B1R 4F6

Price Cutt 345 Stingy Street Halifax, NS B3P 1G3

Ernie Burton 6251 Sesame Street Halifax, NS B4I 4J6

Red Rose 635 Flower Ave Halifax, NS B5I 3J4

Sworn (or affirmed) at *Halifax*
in the County of *Halifax*
this *24th* day of *May*, *2002*
before me,

A Swearit
Commissioner or other Authorized Official (*Elections Act*, s. 196)

Ernie Burton
Signature of Attesting Witness

ENS-05-303 (P 1of 2)

CONSENT AND OATH OF CANDIDATE AND APPOINTMENT OF OFFICIAL AGENT AND AUDITOR

I the undersigned, do swear (or affirm) that:

1. I (he/she) *Mary Smith*
(name)
nominated in the foregoing Nomination Paper, consent(s) to the nomination.

2. I am (he/she is) qualified under Section 65 of the *Elections Act* to be a candidate.

3. I appoint (he/she appointed) as my (his/her) **Official Agent:**

Name: *John Brown*

Civic Address: *23 Old Hills Road, Halfiax NS B3J 5T6*

Mailing Address: *Same*

Telephone: (Business *(902) 333-3333* (Residence) *(902) 222-2222*

who is qualified under S.177F of the *Elections Act* to be an Official Agent and has consented to the appointment.

4. I appoint as my (his/her) **Auditor**:

Name: *I. C Double*

Civic Address: *25 Oditi Street, Halifax NS B3R 1S7*

Mailing Address: *Same*

Telephone: (Business *(902) 444-4444* (Other) *(902) 444-0000*

who is qualified under S.191 of the *Elections Act* to be an auditor and has consented to the appointment.

5. I (he/she) represent(s) *XYZ Party* , a
(recognized party)
party of Nova Scotia and this Nomination Paper is accompanied by a letter from the Party Leader (or a person designated by the Party Leader) declaring that I am (he/she is) the official candidate for the Party in this Electoral District

OR

I am(he/she is) an independent candidate.

Sworn (or affirmed) at *Halifax*
in the County of *Halifax*
this *24th* day of *May* , *2002*
before me,

I Swearit
Commissioner or other Authorized Official (*Elections Act*, s. 196)

Mary Smith
Candidate or Official Agent authorized under *Elections Act* Section 177F

RECEIPT OF DEPOSIT

Received from the above candidate the sum of $100 in legal tender or a certified cheque or money order *for that amount* made payable to the Minister of Finance as a deposit pursuant to Section 66 of the *Elections Act*.

Dated at *Halifax* , this *24th* day of *May* , *2002* .

G. Iva Headache
Returning Officer

ENS-05-303(P 2 of 2)

Sample letter that a candidate is endorsed by the recognized party

(Date)

XYZ Party
1234 Wharf Road
Halifax, NS B3K 90R6

Dear (Returning Officer)
Electoral District of Halifax North:

This letter confirms that Mary Smith of Halifax, is representing the XYZ Party in the Electoral District of Halifax North in the election to be held on May 24, 2002.

Xavier Y Zebra

Xavier Y. Zebra
Leader

Your Campaign Team and the Election Process

Although the Chief Electoral Officer and the Returning Officer for each electoral district have the primary responsibility for the administration of the election, the legislation provides for the participation of recognized parties in the process. Also, by policy, the Chief Electoral Officer asks the Returning Officers to seek the input of political parties on certain issues.

A good working relationship between Returning Officers and political parties is important in the electoral process, including on the following matters:

1. **Drawing of Polling Division Boundaries**
   Returning Officers are responsible for drawing polling division boundaries. (*Elections Act, S.24*) However, they are asked to invite and meet with representatives of the political organizations in the electoral districts to obtain their input. A priority when drawing these boundaries is to enable electors to vote in a convenient location. The maximum number of electors in a polling division is 450.

2. **Polling Stations**
   Returning Officers are responsible for securing polling stations. (*Elections Act, S.88*) By law, all polling stations must have level access. (*Elections Act, S.91*) If you know of suitable facilities in the electoral district, please make the Returning Officer aware of them. Some traditional polling stations may not be accessible, and will not be used in the next election. The Chief Electoral Officer has a policy of not using private homes as polling stations unless there is absolutely nothing else available.

3. **Provision of Lists of Persons Who Can Work as Deputy Returning Officers, Poll Clerks, Enumerators and Revising Agents**
   By law, the political organizations that sponsored candidates who finished first and second in the electoral district in the last election must nominate people to work in the election. (*Elections Act, S.32,48, 80*) If your party finished first, you may be asked to give names of people who will work as Enumerators, Revising Agents, and Deputy Returning Officers (DROs). If your party finished second, you may be asked to give names of people who will work as Enumerators, Revising Agents, and Poll Clerks. Even if your party did not finish first or

second, you may still be asked to give names of persons willing to work in any of these capacities, because quite often a party is not able to provide enough names for each polling division in the electoral district. Also, extra people are needed to be on stand-by in case some appointed officials are unable to work because of unforeseen circumstances.

- Except in the case of an enumeration outside the election period, the names of Enumerators must be provided immediately after the Writ of election is issued, but preferably or even before the Writ is issued. This means the parties must be working on these lists well before an anticipated election call.

- The names of poll workers must be provided no later than 10 days before election day. (*Elections Act, S.80*) If there are not enough names by the deadline, then the Returning Officer must look elsewhere to fill the positions.

- Remember, with the exception of Poll Clerks, the people you recommend to work as election officials must be qualified electors in the province. (*Elections Act, S.194*). This means that they must be:
  - 18 years of age by election day
  - resident in the Province for 6 months preceding the date of the Writ
  - Canadian citizens.

The people you recommend should be willing, able and qualified to work at the scheduled times as directed by the Returning Officer. They must also attend training at the times and locations requested by the Returning Officer. Remember also that while you can recommend an individual to work in a particular polling division, it is up to the Returning Officer to make the appointment of the worker to a particular polling division.

We are grateful to party representatives who are able to find people to work during an election. Returning Officers have many tasks to perform in an election, and the input of political parties in recommending qualified election officials is of great assistance.

4. Training of Workers

The Returning Officer is responsible for training election officers in the electoral district. Your campaign team is welcome to sit in on any of the training sessions. However, it is important that the workers do not receive conflicting advice from the election administrators and the political organization that recommended them for work. **Once election officials are hired, they are responsible only to the Returning Officer in regard to their election work. Do not hold separate training sessions for election workers. All election workers are required to be non-partisan.**

5. The Political Organization and Non-Partisan Workers on Election Day

Remember, even though your political organization might have contributed to finding party supporters to work at the polls, once they start work at the poll on election day, they must be non-partisan. Do not ask Deputy Returning Officers and Poll Clerks to act as your poll agents. **This is an offence** (*Elections Act, S.206*)

Do not bring Deputy Returning Officers or Poll Clerks meals during the day while they are working during an election. If you wish, you may bring meals to your poll agents. The Deputy Returning Officers and Poll Clerks will be directed by the Returning Officer to bring their own food and drink. They must be and appear to be non-partisan.

6. Advertising Material Identification

Although technically the *Elections Act (Section 176)* requires that all advertising relating to an election must bear "the name and address of the printer and of the person on whose behalf it was printed or published," this requirement has proven troublesome to comply with and effectively enforce.

It is the policy of the Chief Electoral Officer that the names and addresses of both the Official Agent (or the person authorized to incur election expenses) and the name and address of the printer should be included on all printed advertising where possible. However, where not possible the minimum information to appear on printed advertising is the name of the Official Agent who authorized the publication as an election expense or the candidate and the name of the printer.

The purpose of Section 176 or the *Elections Act* is to clearly identify who the printer and the Official Agent are so that electors can locate that person if they so choose and in the case of Official Agents to ensure that advertising (any election expense) is properly authorized by the Official Agent.

The same information must be given at the beginning or end of any sponsored radio or television program relating to an election. The information should also be included on any internet advertising. Note, that compliance is the responsibility of both the person ordering the materials or arranging for the broadcast, and of the person printing or broadcasting it.

7. Signs

A. **Posting of signs** - Section 75C of the *Elections Act* allows a tenant in a multiple-unit residence or a condominium resident to post election signs in their own premises. The size and type of poster can be subject to reasonable regulation by the landlord or condominium corporation.

B. **Signs in Public Places** - Both Nova Scotia Power and Aliant have policies which prohibit the placement of election advertising material on their utility poles. The staples or nails used to fasten the signs to the poles are a danger to their crews who must climb the poles to make repairs and do maintenance.

Signs are frequently placed in the rights of way of streets and highways. The signs must be sufficiently removed from the traveled portion of the roadway so that they are not a traffic hazard, by obstructing visibility or causing distraction. There may be provincial or municipal regulations which govern these matters, and it is up to your election campaign team to abide by any laws, regulations or policies affecting the placement of these signs.

Directives from these utilities, from the two largest regional municipalities and the Department of Transportation and Public Works are included in the next pages. Check with each municipal office where signs are intended to be posted about any similar policies within their boundaries.

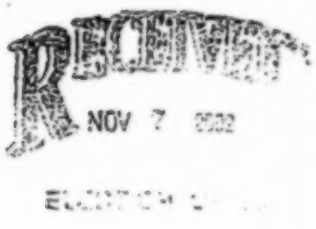
C. **Signs on Election Day** - There are rules governing the placement of campaign signs on election day. They cannot be within 200 feet of a polling station. (*Elections Act, S.207*) You will be asked to remove any signs that

fall within this radius. It is an offence to have a sign placed in contravention of this section. Remember that the Returning Officer does not have authority to enter on private property to remove signs. You are asked to review in particular sections 207 and 208 of the *Elections Act* and respect the restrictions they impose. If you have questions on the sections please contact the Chief Electoral Officer to discuss their import before conducting activities on election day.

Aliant Telecom

Island Tel
MTT
NBTel
NewTel

November 4, 2002



Ms. Janet Willwerth
3667 Strawberry Hill
PO Box 2246
Halifax, NS
B3J 3C8

Dear Ms. Willwerth,

In response to your inquiry to Geoff Moore, please find below Aliant Telecom's policy on the attaching of signage on our telephone poles.

"Aliant Telecom does not permit the unauthorized installation of signs, banners or posters on our telephone poles. These attachments, as well as the associated means of fastening the signage to the pole, pose a safety hazard to all utility technicians who climb the poles."

Please contact myself, Michael Feener, Manager Safety Aliant Telecom, at 902-486-3299 or email at michael.feener@aliant.ca with any questions or concerns relating to this information.

Respectfully,
Michael Feener

Manager Safety
Aliant Telecom

emjs

Scotia Power Inc.
one (902) 428-6230
free 1-800-428-6230

NOVA SCOTIA POWER

Originator:

October 16, 2002

OCT 29 2002

ELECTION OFFICE

Chief Electoral Officer
Attn: Janet Willwerth
PO Box 2246,
Halifax, NS B3J 3C3

d Office
Box 910, Scotia Square
lifax, Nova Scotia
ada B3J 2W5
(902)428-6102
w.nspower.ca

Dear Ms Willwerth,

Re: **A request, via phone call 2002-10-07 from Shingai Nyajeka, to put election signs on power poles.**

Thank you for your inquiry regarding our policy on the posting of signs on power poles. The following is Nova Scotia Power's policy:

> Nova Scotia Power Inc. does not permit the unauthorized installation of signs, banners or posters on power poles. These attachments, as well as associated protruding nails and staples pose a safety hazard to our power line technicians, as well as employees with other utilities, who work on these poles.

Should you have any further questions, please contact Gary Morine, Sr. Electrical Engineer, Metro Region at 869-5333.

Sincerely,

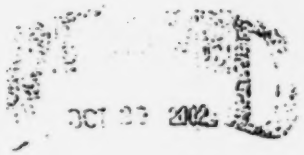
Daniel Muldoon
Director of Regional Operations
Nova Scotia Power

CBRM *A Community of Communities*

Cape Breton Regional Municipality

Office of Bernie White
Municipal Clerk

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5020
Fax: 902-564-0481
e-mail: bjwhite@cbrm.ns.ca



October 24, 2002

Ms. Janet Wilwerth
Chief Electoral Officer
PO Box 2246
Halifax, NS B3J 3C8

Re: Political Signs on Municipal Property

Dear Ms. Wilwerth:

I've recently been asked about the CBRM position on placement of political signage.

Our objective in past elections at CBRM has been to discourage the placement of political signs at least on municipal property.

The obstruction of traffic or placement of signs in areas that may distract motorists is always a concern. Political signs also tend to pop up at the entrance of our larger communities.

The general consensus at CBRM has been to discourage as much as possible the placement of signs, especially as it relates to public property.

Our practice has been to call candidates if/when a particular sign is identified as a problem. For the most part, the candidates cooperate and usually signs identified as problematic are promptly taken down. From time to time, the CBRM Public Works crews are asked to take signs down, if candidates don't voluntarily take them down.

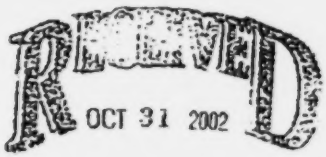
Hoping this may be of some assistance.

Yours truly,

Bernie White
Municipal Clerk/CBRM Returning Officer

HALIFAX
REGIONAL MUNICIPALITY
ADMINISTRATIVE SERVICES
Vi Carmichael, *Manager of Corporate Support (Municipal Clerk)*

October 24th, 2002



Ms. Janet Willwerth
Chief Electoral Officer
Province of Nova Scotia
P.O. Box 2246
Halifax, NS B3J 3C8

Re: Campaign Signage on Municipal Property

Dear Ms. Willwerth:

The following represents the position of the Halifax Regional Municipality with respect to placement of election signage during elections:

- campaign signage should be restricted to private property with permission of the property owner;
- signage must not obstruct the view of traffic at intersections;
- signs should not be installed on street trees.

When Nomination Papers are picked up, it would be helpful if candidates are cautioned with respect to signage and are discouraged from placement of signs on HRM owned property.

It has been my experience that once the Returning Officer receives a complaint with respect to campaign signage and the candidate is advised, cooperation is received and the sign is quickly removed. There have been instances, though, where our Public Works have had to remove signs.

I trust the foregoing will be of some assistance to you.

Yours very truly,

HALIFAX REGIONAL MUNICIPALITY

Vi Carmichael

Vi Carmichael
Municipal Clerk/Returning Officer

NOVA SCOTIA

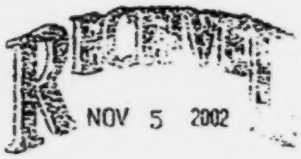
Transportation and Public Works

Deputy Minister

1672 Granville Street
2nd Floor, Johnston Building
PO Box 186
Halifax, Nova Scotia
B3J 2N2

Bus: (902) 424-4036
Fax: (902) 424-2014

MEMORANDUM



TO: Returning Officers

FROM: Howard C. Windsor
Deputy Minister

DATE: November 2, 2002

SUBJECT: **Election Related Signage**

The Department of Transportation and Public Works has a long established policy and practice regarding election related signage near provincial roadways.

Controlled Access Highways

(a) Outside Cities and Towns - election signs not permitted within 150 metres of the centreline of controlled access highway.

(b) Within City or Town Limit - election signs not permitted on Department right-of-way.

Note: In Regional Municipalities, pre-existing city or town limits will be used.

(c) No signs permitted within 60 metres of the end of ramps onto connector/non-controlled access highways.

Non-Controlled Access Highways (Most Provincial Roads)

(a) Election signs are permitted subject to the following constraints:

- Signs should be behind ditch line or minimum three (3) metres behind curb
- Signs should not cause hazard by obstructing sight distance at intersections, etc.
- Sign erectors should have approval of adjacent property owner if the sign is in the vicinity of a residence or business

. . . . 2

- Signs are not permitted to be attached to Department signs or guardrail/guide posts.

Enforcement Procedure to be Followed by TPW Staff

(a) Policy as stated will be enforced.

(b) If a large wooden sign (1.2 x 1.2 metre or larger) is found to be in violation of policy, contact will be made with the candidate's office to advise that the sign is in violation and has to be removed. For signs smaller than 1.2 x 1.2 metres, the candidate's office will not be contacted.

(c) For signs greater than 1.2 x 1.2 metres, the candidate's office will be advised that if the sign is not relocated within 24 hours, TPW staff will remove the sign. The sign will be taken down with as little damage as possible and stored at the local base for retrieval by the appropriate person.

For signs smaller than 1.2 x 1.2 metres, the sign should be removed and stored at the base until the end of the election period or the appropriate person contacts the base in regards to collecting signs that may have been taken down.

I would appreciate it if you would forward this information to the candidates in your district.

Howard C. Windsor
Deputy Minister

/has

cc: Martin Delaney
District Directors
Ralph Hessian
Ross McLaren

8. Campaigning in Locked Multiple-unit Buildings

You and/or your representatives are entitled to gain access to locked multiple unit buildings for the purpose of campaigning. (*Elections Act, S.75A*)

Tenants in multiple-unit residential buildings are able to post campaign signs in the windows of their units. (*Elections Act, S.75C*)

9. Complaints

It is important to recognize that the Returning Officer does not have enforcement capability under the *Elections Act*.

Common complaints concern brochures that lack proper identification of names and addresses of the appropriate officials, or campaign signs that are placed too close to a polling station on election day or those which are arguably confusing to the elector. The Returning Officer may contact the campaign concerned to notify them about the sign, but is not responsible on election day to have the signs removed or to call the police, particularly on election day. You may call the police if you wish. Contact the Chief Electoral Officer with other concerns.

10. Candidate's Agents

A. **Poll Agents** - As a candidate, you are entitled to have agents present at revision and at voting opportunities. They can:

- observe the Write-in Ballot procedure
- observe the work of the Revision Assistant
- observe the voting at the Special, Advance and Ordinary polls (including the Mobile poll)
- be present at the counting of ballots.

With the exception of your Official Agent and Agent at Large, each poll agent must be appointed to be at a specific polling station or revision station, using Form ENS-02-520. An agent can be appointed to more than one poll or revision station.

The agents of two candidates can be present in each polling station while voting is going on. When the votes are counted, one agent can be present at the polling station, unless a request is made to the Deputy Returning Officer to have another one present (*Elections Act, S.128*).

B. **The Official Agent and the Agent at Large at an Election** - Both your Official Agent and the Agent at Large must take an oath of secrecy before the Returning Officer. This is because they can enter the polls at any time, and act as poll agents on your behalf. On taking the oath, they are granted a Poll Entry Certificate (ENS-02-314) by the Returning Officer, which must be shown for identifiction purposes to any Supervising Deputy Returning Officer or a Deputy Returning Officer at the poll.

11. Campaign Offences by Candidates

It is an offence for a candidate to:

A. Give or offer money, other valuable consideration, office, employment, food or drink to induce a person to vote or refrain from voting, to procure the vote of any person, or to accept or refuse a nomination as a candidate, or to withdraw if nominated. There is an exception for food or drink provided at a meeting sponsored by a political organization, or for providing lunches for election workers. (*Elections Act, S.199, 200*)

B. Knowingly make or publish a false statement concerning the personal character or conduct of a candidate. (*Elections Act, S.201*)

C. During an election, agree, at the request of any person, to follow a course of action that will prevent a candidate from exercising freedom of action in the House of Assembly, or to resign if called upon by any person. (*Elections Act, S.204*)

D. During an election, make a payment, advance, loan or deposit (except for a candidate's personal expenses) for the purposes of the election, other than through the Official Agent. (*Elections Act, S.204*)

E. During an election, make or promise to make any subscription or donation for a religious, charitable, educational, athletic or philanthropic purpose, or to any club, society or association (*Elections Act, S.204*)

F. During an election, make or promise to make a bet or wager upon the result of the election or on any event or contingency relating to it. (*Elections Act, S.204*)

G. During an election, pay or promise to pay the wages or earnings of an elector lost as a result of casting or agreeing to cast his vote. (*Elections Act, S.204*)

A breach of any of these provisions can also be found to be a corrupt practice under the *Controverted Elections Act*. A person found guilty of a corrupt practice

is not qualified to be elected to or to sit in the House of Assembly for 5 years, nor can the individual be appointed to any office by the Governor in Council. (*Elections Act, S.215*)

If the judge hearing a *Controverted Elections Act* petition determines that a corrupt practice has been committed by a candidate who has been elected, or by their Official Agent, or by an agent of the candidate with the actual knowledge or consent of the candidate, the election of the candidate can be declared void. (*Elections Act, S.216*)

Voting Opportunities

1. Write-in Ballots

Nova Scotians who are unable to vote at the Special, Advance or Ordinary polls can vote by Write-in Ballot. The ballot will be available from the Returning Office by applying in person or by mail. Electors who are ill or disabled may apply to have an agent receive and return the Write-in ballot materials.

Electors applying must fill out a prescribed form which asks for their name, address and date of birth. If they have moved within the 6 months before the election, they must provide their previous address. This information is needed to update the elector's reference information on the List of Electors. Applicants must also submit photocopies of their identity and residence documents with their application.

Voting by Write-in Ballot can begin as soon as the Returning Officer is able to receive Write-in Ballots but no later than the 6th day after the date of the Writ. A special blank ballot will be used. To vote, the elector simply marks the ballot by printing in the space provided the name of the candidate or the name of the registered political party of their choice. If it turns out that the candidate marked is not nominated or that the party does not field candidates, the ballot will be rejected.

Electors who wish to vote by Write-in Ballot must observe three deadlines when applying. If they apply:

- **in person**, the deadline is 8:00 PM on the Wednesday, 13 days before election day.

- **by mail,** the deadline is 8:00 PM on the Saturday, 10 days before election day

- **by an agent** (if they cannot attend at the returning office because of disability or sickness), the deadline is 8:00 PM on the Saturday, 3 days before election day.

All Write-In Ballots must be returned to the Returning Office no later than 7:00 PM on election day. It is the responsibility of the elector to return the ballot on time. Ballots that arrive late will not be counted. If you are aware of electors who live out of Canada and who likely wish to vote, encourage them to apply early for their Write-In Ballot to ensure their ballots are returned in time to be counted. *(Elections Act, S.100-106)*

2. Special Poll

The Special Poll offers the first early voting opportunity for provincial electors who are not voting by Write-in Ballot. Electors can vote by Special Poll at the Returning Office for 6 days, starting on Thursday, 12 days before election day and ending on Wednesday, 6 days before election day. **Voting hours are** 12:00 noon until 8:00 PM each day. **There is no Special Poll on Sunday.**

Electors who are not on the List of Electors can be added to the List of Electors and vote at the Special Poll. They must bring valid proof of identity and residence in the polling division to the poll. (*Elections Act, S.147-151*)

3. Advance Poll

In addition to the Special Poll, the Advance Poll offers an early voting opportunity for provincial electors who are not voting by Write-in Ballot.

Elector can vote at the Advance Poll if they so choose. If their name is not on the List of Electors, they can still vote after their name has been added by the

Revision Assistant at the Advance Polling station. Electors not on the List of Electors must bring valid proof of identity and residence in the polling division to the poll.

There are two Advance Polling days:

Day 1: Friday, the 4th day before election day, from 10:00 AM until 8:00 PM

Day 2: Saturday, the 3rd day before election day, from 10:00 AM until 8:00 PM

The Returning Officer decides the location of Advance Polling stations. Where there is more than one location, the polling divisions in the electoral district will be grouped into Advance Polling Districts. Electors wishing to vote at an Advance Polling District must go to the polling station in which their polling division has been placed. (*Elections Act, S.134-140*)

4. Mobile Poll

The Returning Officer may establish Mobile Polling stations at long-term care facilities in your electoral district on election day. Mobile polls will be established at long-term care facilities where the number of electors does not warrant establishment of an ordinary polling station which would be open for 11 hours.

The duration of a Mobile Poll at a location is at least 3 hours. The actual time is set by the Returning Officer and the administrator of the long-term care facility, and will be long enough to take the votes of the residents of the facility.

Each Mobile Polling Station is staffed by a Deputy Returning Officer and a Poll Clerk, in the same manner as a regular polling station.

Your agents can be present at all mobile polls and at the counting of the votes. The Returning Officer will supply you with information on the location and times for each Mobile Poll, as well as the location for counting the votes. (*Elections Act, S.91A*)

Transfer Certificates

A candidate or agent who is not able to vote at the polling station where their name is on the official List of Electors can apply to the Returning Officer to vote at a more

convenient polling station. (*Elections Act, S.98*)

The Returning Officer will have the Application for a Transfer Certificate, form ENS-02-522. Simply complete one and return it in person to the Returning Office.

Note that applications for a Transfer Certificate CANNOT be accepted after 8:00 PM on Saturday, the third day before election day.

Agents must have their completed Appointment of Agent, Form ENS-520 in to accompany the application.

If you receive a Transfer Certificate, you must give it to the Deputy Returning Officer at the polling station before you can vote. You can still vote where your name is on the List of Electors, but you must first surrender your Transfer Certificate to the Deputy Returning Officer at that poll.

The *Elections Act* requires level access at all polling stations *(Elections Act, S.91)*, unless the Chief Electoral Officer is satisfied that there is no adequate premises with level access available. In the event that a polling station is not accessible, and you know of electors who cannot vote at the polling station where their name is on the List of Electors, inform them that they can get a Transfer Certificate to an accessible poll by contacting the Returning Officer. The Confirmation of Registration Notice card sent to all electors on the List of Electors will have information on whether their polling station is accessible.

Counting the Ballots

You may have up to 2 agents present at each polling station for the counting of the ballots. One agent can be present, and there must be a request to the Deputy Returning Officer to have the second agent. Your agent(s) can observe the count. (*Elections Act,* S.92)

See **"Information for Candidate's Agents in Provincial Elections"** for specific information on the role of the agent during the counting of the ballots.

Official Addition and Recounts

The official addition of the ballots determines the number of votes cast for each candidate at each polling station. The count that is done on election night and

reported is known as the unofficial result. It is not uncommon for small changes to occur in the count between what is reported on election night and the count determined at the official addition. The official addition of the votes is conducted at the Returning Office by the Returning Officer at 10:00 AM on Thursday, the 2nd day after election day (*Elections Act, S.156*).

At the official addition, the Returning Officer examines and adds the counts which are recorded on the Statements of Poll received from each polling station on election night. If the Statement of Poll for a polling station is not available, there are procedures in the *Elections Act* which can be followed to determine the official result. As soon as the official poll by poll results are determined, the numbers are entered into the recapitulation (summary) sheet, which is signed by the Returning Officer. The recapitulation sheet represents the official results of the election in the electoral district. Each candidate will receive a copy of the recapitulation sheet.

Once the recapitulation sheet is signed by the Returning Officer, the candidate can determine if a judicial recount of the votes is warranted. (*Elections Act, S.160*) A recount is automatic if there are fewer than 10 votes between the first and second place finishers on the ballot (*Elections Act, S.159*). The Returning Officer applies for the recount in that instance. If there is no automatic recount, it is up to the candidate and his/her campaign team to determine if there are grounds to petition the Supreme Court for a judicial recount. Form ENS-02-112 can be used for this purpose. The petition must be filed within 4 days after the recapitulation sheet is completed and be accompanied by $100.00 as a security deposit. (*Elections Act*, S.160)

Return of the Writ

The last step in the election process requires the Returning Officer to "return the Writ" *(Elections Act, S.168)*. The Returning Officer returns the Writ by entering the official addition of the votes on the Writ of election that was issued at the beginning of the election process, and declares the winning candidate. The Writ is returned 10 days after the election if there is no recount in the electoral district; if there is a recount, the writ is returned as soon as the recapitulation sheet is received from the judge. The Writ is returned to the Chief Electoral Officer. Writs must be present at the House of Assembly prior to the swearing in of the new members after the election.

Controverted Election

If the candidate is of the view that there are sufficient irregularities in the vote that a petition to controvert the election is warranted, the procedures in the *Controverted Elections Act* must be followed. The challenge starts with a petition to the Supreme Court, which must be filed within 5 weeks from the time that the Writ of election is returned by the Returning Officer. Security for costs of $400.00 must accompany the petition.

If the petition to controvert the election is successful, the election is declared void by the court and there must be a by-election in the electoral district to fill the seat.

Campaign Finance

1. **Contributions Received When Running for Nomination of a Recognized Party**

   At times, candidates must first, contest the nomination within their political party to see who will run for election to the House of Assembly in a particular electoral district. During the contest, the candidates may receive contributions toward their campaigns.

   Whenever such contributions are made, the candidate concerned **must** have an Official Agent who is required to keep a record of the contributions of "services, money or other property". The names of the donors and the amounts given are not required to be disclosed unless there is a transfer of the contributions exceeding $1,000.00 in value to a party, electoral district association or candidate. In such cases, the names of all the contributors to the nomination campaign must be disclosed.

   When accounting for contributions to a candidate's campaign, it is important to note that anyone seeking office becomes a "candidate" within the meaning of the *Elections Act* as soon as they declare "by himself", or "by others with his consent" that they wish to be a candidate in the next election. (*Elections Act, S.3*)

2. Candidates and Campaign Finance

As already noted, candidates cannot take an active role in handling their election campaign finances. The responsibility belongs to their Official Agent. The main points to keep in mind are these:

A. **A Candidate cannot personally receive contributions** - This is the law. Your Official Agent must receive contributions. If you are soliciting donations, be sure to tell any potential donors to give the funds to your Official Agent.

B. **No anonymous contributions can be accepted** - If you receive an anonymous contribution, it must be returned to the donor. If the donor cannot be identified, your Official Agent will have to remit the contribution to the Chief Electoral Officer, who in turn transfers it to the Province.

C. **Contributions from an individual donor which exceed $50 must be disclosed** - If you are soliciting donations, be sure the contributors are aware that their names and addresses, as well as the amount that they contributed, will be made public if their total donations in the reporting period (12 months or less) exceed $50.00. If you contribute to your own campaign, your name is recorded as a donor.

D. **Tax Receipts for Contributions**

Your Official Agent will receive tax receipts when your Nomination Paper is filed with the electoral district Returning Officer after the election is called. The tax receipts can then be issued to the contributors to your campaign who make contributions after your official nomination. A tax receipt entitles the contributor to a tax credit which can be used with the contributor's Nova Scotia income tax return. For information, the tax credit is:

(a) 75% of the aggregate amount contributed if the aggregate amount contributed does not exceed $100;

(b) $75 plus 50% of the amount by which the aggregate amount contributed exceeds $100 but does not exceed $550;

(c) the lesser of

(i) $300 plus 33 ⅓% of the amount by which the aggregate amount contributed exceeds $550; and

(ii) $500

or the amount of the tax payable, whichever is the lesser.
(Income Tax Act, S. 50)

Note that the tax credit only applies to Nova Scotia taxpayers, so a contributor who does not pay Nova Scotia income tax would not benefit from the receipt.

No tax receipt can be given for donations in kind (goods or services).

3. Election Expenses

A. **Spending Limit** - The total amount that can be spent on your election campaign is determined by a formula set out in the *Elections Act* (*S.181*). The amounts are based on the number of electors in your electoral district, and are determined by applying the cost of living factor to a base amount set out in the *Elections Act*.

Your Official Agent must keep track of your election expenses to ensure that the spending limit is not exceeded. One effective way to accomplish this is to restrict control over your election spending to your Official Agent, or those acting with the Official Agent's authority (*Elections Act, S.175*).

B. **Personal Expenses** - Allowable "personal expenses" of candidates must meet the definition of that term in the *Elections Act*. A "personal expense" is an election expense that a candidate incurs personally. **A candidate cannot incur expenses for publicity** (*Elections Act, S.175*). "Personal expenses" are limited to $1,000.00, and must be receipted, recorded and provided to your Official Agent. Any personal expenses incurred by you must be reported by the Official Agent as part of the election expense return (*Elections Act, S. 3, 175*).

A candidate may well incur personal expenses to run in the campaign that do not meet the definition of "election expenses" in Section 3 of the *Elections Act*. Examples of these might be:

- costs of wardrobe enhancement (usually purchase of business attire)
- costs for child care or care of another family member
- costs of personal grooming during the campaign (hair care, dry cleaning)
- salary replacement, if you were required to take a leave of absence from your job to run for office.

These expenses will not be reimbursed through the program of public funding administered by the Chief Electoral Officer. However, you may be able to receive reimbursement for these costs through your electoral district association or party you are representing.

4. Filing of Election Campaign Finance Reports

The required reports must be filed with the Returning Officer no later than 90 days after the election. (*Elections Act, S.183*)

The reports are:

- Report of Candidate's Election Expenses (which details the expenses incurred during the election)
- Reconciliation of Tax Receipts (Candidates)Issued
- Statement of Political Contributions, Form 2.

These reports are submitted to the Returning Officer by your Official Agent. They must be audited. The reports will remain with the Returning Officer for a further 30 days. A summary of your election expenses report is published in a local newspaper. The public can inspect the detailed Record of Candidate's Election Expenses at the Returning Officer's premises for 30 days. After the inspection period, the Returning Officer will forward the report to the Chief Electoral Officer for review. (*Elections Act*, S.183)

5. Reimbursement

Your campaign is entitled to receive a provincial government rebate for a portion of your election expenses, if you receive 15% or more of the valid votes cast in the election. In order to qualify for the rebate, your Official Agent must submit the required reports documenting campaign revenues and expenses, along with supporting receipts and other documentation. All unused tax receipts and copies of receipts issued must be returned to the Returning Officer.

The amount of the reimbursement is determined by a formula contained in the *Elections Act* (*S.182*), and is based on the number of electors in the electoral district. Candidates could get less than the full amount available if they do not have valid election expenses at least equal to the amount of the reimbursement.

Once the election expense reports are received in the Office of the Chief Electoral Officer, a preliminary examination is conducted to determine whether they

1. are complete and,

2. have valid and sufficiently well documented election expenses which equal at least 75% of the full reimbursement available.

If they meet this initial test, 75% of the refund will be transmitted to your Official Agent. The remaining 25% will not be released until a detailed examination of the return is completed by the Chief Electoral Officer, and the expenses submitted are substantiated and accepted as valid election expenses. (*Elections Act, S.182*)

6. Failure to File Report

The *Elections Act* (*S.185*) provides that a candidate is disqualified from sitting or voting in the Legislature if the election expense reports are not filed within the time limit, and he/she cannot sit until the reports are filed. Daily fines can be levied if the candidate sits in violation of this provision.